

EXHIBIT 2

1 ERNEST GALVAN – 196065
KARA J. JANSSEN – 274762
2 ADRIENNE SPIEGEL – 330482
LUMA KHABBAZ – 351492
3 ROSEN BIEN
GALVAN & GRUNFELD LLP
4 101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
5 Telephone: (415) 433-6830
Email: egalvan@rbgg.com
6 kjanssen@rbgg.com
aspiegel@rbgg.com
7 lkhabbaz@rbgg.com

8 SUSAN M. BEATY – 324048
CALIFORNIA COLLABORATIVE FOR
9 IMMIGRANT JUSTICE
1999 Harrison Street, Suite 1800
10 Oakland, California 94612-4700
Telephone: (510) 679-3674
11 Email: susan@ccijjustice.org

12 AMARIS MONTES*
Md. Bar No. 2112150205
13 MIRIAM R. NEMETH*
D.C. Bar No. 2112150205
14 RIGHTS BEHIND BARS
416 Florida Avenue N.W. #26152
15 Washington, D.C. 20001-0506
Telephone: (202) 455-4399
16 Email: amaris@rightsbehindbars.org
miriam@rightsbehindbars.org

17 * Admitted *pro hac vice*

18 Attorneys for Plaintiffs

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 CALIFORNIA COALITION FOR WOMEN
PRISONERS et al.,

23 Plaintiffs,

24 v.

25 UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS et al.,

26 Defendants.

STEPHEN S. CHA-KIM*
N.Y. Bar No. 4979357
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, New York 10019-9710
Telephone: (212) 836-8000
Email: stephen.cha-kim@arnoldporter.com

CARSON D. ANDERSON – 317308
ARNOLD & PORTER KAYE SCHOLER LLP
3000 El Camino Real
Five Palo Alto Square, Suite 500
Palo Alto, California 94306-3807
Telephone: (650) 319-4500
Email: carson.anderson@arnoldporter.com

NATALIE STEIERT*
D.C. Bar No. 90010655
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001-3743
Telephone: (202) 942-5000
Email: natalie.steiert@arnoldporter.com

Case No. 4:23-cv-04155-YGR

**PROPOSED NOTICE OF CLASS
ACTION SETTLEMENT**

Judge: Hon. Yvonne Gonzalez Rogers

1 following final approval by the Court (Ex. 1, ¶ 32):¹

2 ***Public Acknowledgment of Abuse***

3 a) The BOP Director will issue a formal, public acknowledgement to victims of
4 staff sexual abuse at FCI Dublin. Ex. 1, ¶ 88.

5 ***Appointment of Monitor and BOP Liaison***

6 b) The Court will appoint Wendy Still as a “Monitor” to implement the
7 Proposed Consent Decree. If Ms. Still is not available, the Proposed Consent Decree
8 provides procedures for the selection of another Monitor. The Monitor will be permitted a
9 reasonable number of staff to assist the Monitor, and the BOP shall pay the fees and costs
10 incurred by the Monitor and staff.

11 c) The Monitor will have access to Class Members, including the ability to
12 schedule confidential phone calls and conduct in-person interviews. Class Members will
13 be able to communicate confidentially with the Monitor. The BOP will provide Class
14 Members with access to confidential two-way email communication with the Monitor, and
15 BOP staff will not open outgoing mail from Class Members to the Monitor. *Id.* Ex. 1,
16 ¶¶ 78-79. The Monitor will also have access to BOP facilities, BOP documents related to
17 Class Members under the terms of the Proposed Consent Decree, and the ability to inspect
18 BOP facilities and interview BOP staff. Class Counsel and BOP Counsel will be permitted
19 to communicate *ex parte* with the Monitor. Ex. 1, ¶¶ 90-92, 94-97.

20 d) The BOP will establish a “BOP Liaison,” who is “an employee from the
21 BOP’s Central Office, a direct report to the BOP’s Deputy Director, and who is
22 designated to and whose sole duties are to facilitate the BOP’s compliance with the terms
23 of this Consent Decree.” Jennifer Knox, Women and Special Populations National Policy
24

25 ¹ This summary of the Proposed Consent Decree is intended only as a summary of key
26 terms of the Proposed Consent Decree and does not amend or alter the terms, provisions,
27 and obligations of the Proposed Consent Decree. This summary does not detail every
28 individual term, provision, or obligation of the Proposed Consent Decree. In the event of
any inconsistencies between the terms, provisions, and obligations of the Proposed
Consent Decree and the summary set forth herein, the Proposed Consent Decree shall
govern.

1 and Program Coordinator, will be appointed as the BOP Liaison. Ex. 1, ¶¶ 10, 114.

2 ***Monitor's Public Reports***

3 e) The Monitor will issue public monthly and quarterly reports on the treatment
4 and conditions of Class Members. Ex. 1, ¶¶ 98-100.

5 f) The Monitor will review and report on concerns related to Class Member's
6 treatment and conditions at FCI Dublin, including: outstanding medical and/or mental
7 healthcare needs, PREA reports and advocacy services, compassionate release requests,
8 release dates and application of Federal Time Credits (FTCs), FCI Dublin disciplinary
9 incidents and impacts on early release credits and security and recidivism classifications,
10 and property claims and reports of mistreatment during transport from FCI Dublin. Ex. 1,
11 ¶¶ 8, 42-43.

12 g) The Monitor will review and report on the capacity of all facilities where
13 class members are designated, including the medical and mental healthcare staffing levels
14 and wait times for outside-provider care. Ex. 1, ¶¶ 37, 36.

15 h) The Monitor will review and report on all reports of staff abuse or retaliation
16 against any Class Member. The Monitor will also review and report on all SHU
17 placements of Class Members. Ex. 1, ¶ 50.

18 i) The Monitor will review and report on Class Members' designations,
19 including whether Class Members are designated to facilities with adequate programming
20 and educational and vocational opportunities. The Monitor will also review and report on
21 Class Members' release dates, Federal Time Credits ("FTCs"), and eligibility for release to
22 community placements (*i.e.* home confinement or Residential Reentry Centers), and any
23 issues receiving or applying credits, or being released when eligible. Ex. 1, ¶¶ 68, 71. The
24 Monitor will review and report on compassionate release requests submitted by Class
25 Members. Ex. 1, ¶ 77.

26 j) The Monitor will also review and report on the protections afforded by the
27 Proposed Consent Decree, including access to confidential communication between Class
28 Members and the Monitor and Class Counsel, access to medical care in Class Members'

primary language, and access to Rape Crises Centers. Ex. 1, ¶¶ 38, ¶ 39, 83.

BOP's Obligations as to Class Member Case Work, Access to Care and Services, and SHU Placements

k) **Class Member Designations:** The BOP will (subject to bed availability, designation, and individual Class Member needs) house each Class Member “in a facility as close as practicable to the Class Member’s primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence” and “in the lowest security level facility possible.” No Class Member with longer than nine months remaining on their sentence will be housed in an Administrative Detention Facility (pretrial detention center) for any period longer than six months or at a Federal Transfer Center for any period longer than one month. Time housed at FCI Dublin or at Administrative Detention Facilities following transfer from FCI Dublin will count towards the 18-month waiting period to apply for transfer to a new facility.

l) **Release to Community Placement (Halfway House or Home Confinement):** BOP will release to community placement any Class Member eligible for community placement under the First Step Act or the Second Chance Act “as soon as practicable after the Class Member becomes eligible.” The BOP will not deny FTCs or release to community placement under the FSA to any Class Member on the basis of immigration status or the existence of a detainer alone. Ex. 1, ¶¶ 69-70, 72.

m) **FCI Dublin Disciplinary Review:** The BOP will review all disciplinary incident reports issued to Class Members at FCI Dublin between January 1, 2020, and May 1, 2024, and will expunge all disciplinary reports that are found to contain due process, evidentiary, or other procedural violations and will adjust Class Members’ security and recidivism classifications, FTCs, and release dates accordingly. The Monitor will review and report on this process, including the reclassification of Class Members’ security and recidivism designations and release dates. Ex. 1, ¶¶ 75-76.

n) **Credit Loss from Dublin Transfers:** The BOP will ensure that no Class Member lost FTCs or was placed in a “non-earning status” of FTCs due to transfer from

1 FCI Dublin, including in transit, while housed at a Federal Transfer Center, or while
 2 designated to an Administrative Detention Center after the Dublin closure. Ex. 1, ¶¶ 73-74.
 3 The Monitor will review reports of lost credits due to transfer and recommend corrective
 4 action.

5 o) **Property Claims from Dublin Transfers:** Class Members may file claims
 6 for monetary damages for property lost or damaged as a result of the Dublin transfers. The
 7 BOP shall provide, by July 1, 2025, a final decision on all claims for money damages due
 8 to property loss related to the closure of FCI Dublin that were submitted by December 1,
 9 2024. The Proposed Consent Decree provides procedures for Class Members to submit
 10 reconsideration requests related to these claims. Ex. 1, ¶¶ 84-86. The Monitor will review
 11 and report on such property claims.

12 p) **Medical and Mental Healthcare:** Upon request, the BOP will (consistent
 13 with security) communicate with Class Members regarding the status of the request or
 14 referral for outside medical care, including the estimated wait time. The BOP will provide
 15 medical and mental health care to Class Members in their primary language to the extent
 16 feasible, including through confidential interpretation, and incarcerated persons will not be
 17 used as translators for Spanish except in emergency situations.

18 q) **Crisis Counseling:** The BOP will provide access to Rape Crisis Centers to
 19 all Class Members who request it, including, at a minimum, access to confidential
 20 unmonitored calls that will not count against the Class Member's phone minutes and
 21 confidential in-person visits in the Class Member's primary language.

22 r) **SHU Placements:** The Proposed Consent Decree includes restrictions and
 23 guidelines for placements of Class Member in SHU (segregated housing):

- 24 • Within 24 hours of a Class Member's placement in SHU, the Class Member
 25 and Monitor will be provided with a copy of the Administrative Detention
 26 Order, including an articulated specific reason for placement in SHU. Ex. 1,
 27 ¶ 44.
- 28 • All Class Members in SHU will be provided with administrative remedy

forms, confidential two-way communication with the Monitor, and confidential legal calls with Class Counsel,. Ex. 1, ¶¶ 45, 47-48.

- Class Members placed in SHU on Administrative Detention Status (non-punitive status) will be provided: additional phone calls to be presumptively approved up to 1.5 hours per week in one session plus one additional phone call per week; access to open general correspondence and visitation in accordance with the same rules and regulations that apply to general population; the opportunity to exercise outside their quarters at least 7 hours per week; access to programming activities; a reasonable amount of personal property; and the ability to purchase and receive items from the commissary with the same frequency as the general population. Ex. 1, ¶ 46. The Proposed Consent Decree outlines specific processes for Class Members to submit complaints related to the denial of these SHU privileges, and for the Monitor to review and make recommendations on the BOP's compliance. Ex. 1, ¶ 51.
- Class Members shall not be placed in SHU pending disciplinary review solely for Low (400 series) or Moderate (300 series) Severity Levels disciplinary shots.
- When a Class Member is placed in SHU for alleged disciplinary violations, the BOP will provide the Class Member, Class Counsel, and the Monitor a copy of the underlying incident report within 24 hours. The Class Member will be provided a Unit Disciplinary Committee (UDC) hearing within 5 workdays, and if referred, a Disciplinary Hearing Officer (DHO) hearing within 10 workdays. The BOP will provide the Class Member, Class Counsel, and the Monitor with all documentation related to the UDC and DHO hearings within 24 hours of the conclusion of the hearing.
- The Proposed Consent Decree outlines specific processes for review of SHU placements, including the involvement of the Monitor and Class Counsel.

Ex. 1, ¶¶ 52-57.

Processes For Reporting Retaliation and Abuse

s) Class Members may report allegations of staff physical or sexual abuse to the Monitor, to DOJ OIG, or to BOP OIA. The Monitor will review and report on allegations of staff physical and sexual abuse of Class Members, including “an assessment of BOP’s responses to reports of staff physical and sexual abuse towards Class Members and recommendations for corrective action, including changes to designations, changes to housing and job placements, provision of medical and/or mental health treatment, and other measures necessary to protect Class Members.” The Monitor will report on the status of PREA reports made by Class members regarding abuse that took place at FCI Dublin and reports on injuries and mistreatment suffered by Class Members during transport between BOP facilities. Ex. 1, ¶¶ 62-63, 65-67.

t) Class Members may report allegations of staff retaliation directly to the Monitor, to DOJ OIG, or to BOP OIA. The Monitor will review and report on allegations of retaliation, including any disciplinary action imposed on Class Members after reporting staff misconduct, and recommend that BOP take corrective action. Ex. 1, ¶¶ 58-61.

u) “Upon request, BOP shall provide Class Members who report staff abuse with documentation of their report and a written final determination. BOP shall also inform the Class Member whenever: the staff member is no longer posted within the Class Member’s unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted on a charge related to sexual abuse at a BOP facility; or the agency learns that the staff member has been convicted on a charge related to sexual abuse at a BOP facility. Following the filing of a PREA report, BOP shall provide the Class Member with requisite follow up medical and psychological evaluations and care, and information about how to contact a Rape Crisis Center.” Ex. 1, ¶ 63.

Access to Counsel

v) The BOP shall provide Class Members with confidential access to Class Counsel. Ex. 1, ¶¶ 80-82, 101-105. Class Members will have the opportunity to make a

1 free, confidential legal call to Class Counsel at least once per week. In addition, a phone
 2 number for Class Counsel will be added to all Class Members' Trust Fund accounts, and
 3 Class Members will be able to make collect calls to Class Counsel regardless of
 4 restrictions on phone access. BOP will provide Class Counsel with ongoing and timely
 5 access to Class Members, including confidential legal calls within 72 hours' notice and
 6 confidential legal visits within 10 days' notice.

7 * * * * *

8 The Proposed Consent Decree also provides that the "BOP shall pay Class
 9 Counsels' reasonable attorneys' fees and costs, subject to applicable limitations in terms of
 10 eligibility and amount" and that "BOP shall also pay Class Counsel 'Monitoring fees' for
 11 their reasonable time and reasonable expenses related to monitoring this Consent Decree."
 12 Ex. 1, ¶ 110.

13 You can read about all of these changes in the Proposed Consent Decree, which is
 14 attached hereto as **Exhibit 1**. The Proposed Consent Decree is also available: online at
 15 www.rbgg.com; by contacting Class Counsel at the addresses below; by accessing the
 16 Court docket in this case through the Court's Public Access to Court Electronic Records
 17 (PACER) system at <https://pacer.uscourts.gov/>; or by visiting any office of the Clerk of the
 18 Court for the United States District Court for the Northern District of California between
 19 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

20 Ernest Galvan
 21 Kara Janssen
 22 Rosen Bien Galvan & Grunfeld LLP
 23 101 Mission Street 6th Floor Suite #101
 24 San Francisco, CA 94501
 25 egalvan@rbgg.com
 26 kjanssen@rbgg.com

27 Susan Beaty
 28 California Collaborative for Immigrant Justice
 1999 Harrison St, Suite 1800
 Oakland, CA 94612
susan@ccijjustice.org

///

///

Stephen Cha-Kim
Carson Anderson
Natalie Steiert
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710
Stephen.Cha-Kim@arnoldporter.com
Carson.Anderson@arnoldporter.com
Natalie.Steiert@arnoldporter.com

PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK'S OFFICE TO
ASK ABOUT THE SETTLEMENT.

The Court will hold a hearing on the fairness of this settlement at [REDACTED] on
[REDACTED], before the Honorable Yvonne Gonzalez Rogers at the United States District
Court, Northern District of California, Oakland Courthouse, Courtroom 1 - 4th Floor, 1301
Clay Street, Oakland, CA 94612. This date may change without further notice. You
should check www.rbgg.com or <https://pacer.uscourts.gov/> to confirm the date has not
changed.

There is no right to opt-out of the Class. If you do not think the settlement is fair,
you can write to the Court, also known as "objecting," and the Court will consider your
comments when deciding whether to approve the Proposed Consent Decree. The Court
can only approve or deny the Proposed Consent Decree. The Court cannot change the
terms of the Proposed Consent Decree. If the Court denies approval, the terms in the
Proposed Consent Decree will not happen, and the lawsuit will continue.

Any objections must include the case name, *California Coalition for Women
Prisoners et al. v. United States of America Federal Bureau of Prisons et al.*, and case
number, 4:23-CV-04155-YGR (N.D. Cal.), as well as your name, address, and signature.
Objections may be sent by mail or submitted by filing them in person at any location of the
United States District Court for the Northern District of California no later than [REDACTED].
If mailed, your objections must be postmarked no later than [REDACTED], and sent to the
following address:

///

///

Clerk of the Court
United States District Court
Northern District of California
1301 Clay Street, Suite 400S
Oakland, CA 94612

If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28